

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**BECKLEY DIVISION**

FRANK G. TREADWAY, et al.,

Plaintiffs,

v.

CIVIL ACTION NO. 5:16-cv-12149

BLUESTONE COAL CORP., et al.,

Defendants.

**ORDER**

The Court has reviewed the Plaintiffs' *Motion to Approve Cy Pres Distribution and Dismiss Case* (Document 63). The Plaintiffs indicate that the settlement funds have been distributed in accordance with the settlement documents. Class counsel has been unable to contact four (4) remaining class members after multiple attempts over nearly two years, and the common fund contains \$36,948.24 in unclaimed funds. The Plaintiffs request approval to disburse the remaining funds to the UMWA Career Centers, Inc., a nonprofit organization that provides training and job placement services to displaced miners across the Appalachian region.

The class consists of miners laid off without the required WARN notice. A program offering job training and placement services to promote the careers of miners following layoffs is ideally suited to further the interests of, and to directly or indirectly benefit, the class members. Therefore, the Court **ORDERS** that the Plaintiffs' *Motion to Approve Cy Pres Distribution and Dismiss Case* (Document 63) be **GRANTED** and that the remaining settlement funds be distributed to the UMWA Career Centers, Inc.

The Court **DIRECTS** the Clerk to send a certified copy of this Order to counsel of record and to any unrepresented party.

ENTER: April 9, 2021

A handwritten signature in blue ink, reading "Irene C. Berger", is written over a horizontal line.

IRENE C. BERGER  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF WEST VIRGINIA